

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**JAMES KENDRICK**

**PLAINTIFF**

**V.**

**3:14-CV-96-HTW-LRA**

**TIMOTHY BROWN AND BROWN'S COMMUNICATION**

**DEFENDANTS**

**ORDER**

This cause came before the Court for telephonic hearing on April 7, 2015, on Defendant Brown Communications, Inc.'s Motion for Leave to Amend Answer to Add Counterclaim [54]; Plaintiff's Motion to Compel Deposition Testimony [60]; and, Plaintiff's Motion to Extend Discovery Deadline [61]. Having considered the applicable law, the pleadings filed, and the argument of counsel, the Court finds that Defendant shall be allowed to amend to file the compulsory counterclaim set forth in the proposed Amended Answer.

Further, the motion to compel the 30(b)(6) deposition [60] filed by Plaintiff shall be granted only to the extent that Plaintiff may conduct the 30(b)(6) deposition of the accountant designated by Defendant to be knowledgeable regarding the settlement program with the Internal Revenue Service referenced by the parties, as set forth in the motion. Counsel shall confer and determine the precise topics upon which the accountant may give 30(b)(6) testimony binding on Defendant.

Counsel shall confer and determine whether or not additional limited discovery is necessary regarding the issues raised in the counterclaim. The motion to extend the

deadlines shall be denied without prejudice at this time. After counsel have conferred, Plaintiff may file a motion requesting additional discovery regarding his defense to the counterclaim and stating specifically what additional discovery is needed to defend the claims. Discovery on Plaintiff's initial claims shall not be extended for purposes other than the supplemental 30(b)(6) of the accountant. The Court may allow additional discovery regarding the defense of the counterclaim if Plaintiff sets forth with specificity what discovery he needs.

IT IS, THEREFORE, ORDERED:

1. The motion to amend the answer [54] is **granted**.
2. Plaintiff's motion to compel [60] is **granted** to the extent set forth herein; no costs are awarded. Discovery is reopened only for the purpose of this 30(b)(6) deposition, to be taken on or before **May 22, 2015**.
3. Plaintiff's motion to extend the discovery deadline [61] is **denied** without prejudice at this time, and the stay of discovery and the motion deadline is continued except as to the 30(b)(6) deposition.
4. Counsel are directed to confer as to any remaining discovery which Plaintiff contends is necessary to defend the counterclaim. Counsel are cautioned to limit additional costs to either party. Plaintiff may refile an amended motion to extend discovery after conferring in good faith with defense counsel, setting forth the specific discovery he requests.

5. Counsel shall contact chambers to set a status conference in this case on or before **April 27, 2015**.

SO ORDERED, this the 9<sup>th</sup> day of April 2015.

/s/ Linda R. Anderson  
UNITED STATES MAGISTRATE JUDGE